

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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C.H. ROBINSON WORLDWIDE, INC.,

Civil No. 03-2978 (JRT/FLN)

Plaintiff,

v.

**ORDER**

GHIRARDELLI CHOCOLATE  
COMPANY,

Defendant.

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Richard J. Nygaard, **RIDER BENNETT**, 33 South Sixth Street, Suite 4900, Minneapolis, MN 55402, for plaintiff.

David A. Schooler, **LARSON KING**, 30 East Seventh Street, Suite 2800, St. Paul, MN 55101-4922, for defendant.

On November 11, 2004, defendant Ghirardelli Chocolate Company (“GCC”) filed a second amended answer to plaintiff C.H. Robinson Worldwide, Inc.’s (CHRW”) amended complaint and counterclaim. CHRW’s answer to the counterclaim was due on November 22, 2004. On December 15, 2004, GCC moved for default judgment based on CHRW’s failure to answer the counterclaim. On December 17, 2004, CHRW filed an answer to the second amended counterclaim, twenty-six days late. On December 20, 2004, GCC moved to strike CHRW’s untimely and unsolicited answer to the second amended counterclaim.

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Default Judgment [Docket No. 129] is **DENIED**.
2. Defendant's Motion to Strike Plaintiff's Untimely and Unsolicited Answer [Docket No. 137] are **DENIED**.

DATED: May 23, 2005  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge